

# SIX NATIONS ELECTED COUNCIL OF THE GRAND RIVER

## CANNABIS CONTROL LAW

### **PREAMBLE**

*This is a law of the Six Nations Elected Council of the Grand River (Six Nations Elected Council) respecting the production, distribution, sale, possession and use of cannabis within and from Six Nations.*

### **PART I**

#### **1. RECITALS**

*Whereas the Six Nations Elected Council owes a duty of care first and foremost to its members and residents;*

*Whereas Six Nations Elected Council prioritizes the interests of the children of the community in the way laws are applied;*

*Whereas Six Nations Elected Council has the right and the duty to protect Six Nations Rights and the protection, recognition and respect for Six Nations history, culture and traditions; and*

*Whereas Six Nations Elected Council believes it is in the best interest of the community to resolve disputes by seeking community-based solutions when appropriate to do so;*

*Therefore, the Six Nations Elected Council of the Grand River Interim Cannabis Control Law, is enacted pursuant to the authority of the Six Nations Elected Council's duty to govern in the best interest of its community's health and safety in the spirit of good governance. This law is a reflection of the will expressed by community members and is enacted to address the concerns of both those in favour and those opposed to the legalization of cannabis in our community. This law applies to all cannabis related activities on the Six Nations of the Grand River reserve and will remain in effect until repealed, amended or updated by the Elected Council.*

### **PART II**

#### **2. PURPOSES**

2.1 The purposes of the Law are to:

(a) protect the health and safety of the people of Six Nations and other persons found within the Territory, and, in particular, to protect the health of young persons by restricting their access and exposure to cannabis and cannabis by-products;

(b) prevent interference by external law enforcement into Six Nations domestic affairs;

- (c) facilitate a regulated and controlled cannabis industry that will promote and enhance socio-economic development, fiscal self-sufficiency and tangible benefits for people of;
- (d) provide for the legal production, distribution, sale, possession and use of quality-controlled cannabis within and from Six Nations;
- (e) deter illicit and illegal activities in relation to cannabis, including but not limited to:
  - (i) preventing cannabis from being diverted into the illicit or illegal market;
  - (ii) preventing illicit or illegal cannabis from entering the source of supply of the legal cannabis market;
  - (iii) through appropriate sanctions and enforcement measures; and
- (f) balance the interests of Six Nations community members who, on the one hand are opposed to legal cannabis, with the interests of community members who support the regulated production and sale of cannabis in Six Nations, while the health and safety of the community remains paramount.

### **PART III**

#### **3. SHORT TITLE**

- 3.1 This Law may be cited as the “Six Nations Cannabis Law”.

#### **4. PARAMOUNTCY OF LAW**

- 4.1 Through the enactment, application and enforcement of this law, Six Nations Elected Council of the Grand River is occupying the jurisdiction of cannabis regulation and legislation at the exclusion of the federal and provincial governments of Canada.

### **PART IV**

#### **5. JURISDICTION**

- 5.1 As production, distribution, sale, possession and use of cannabis has a significant impact on socio-economic development, health, safety and peace, order and good government within Six Nations, the Six Nations of the Grand River has the duty, obligation and a right to regulate and control cannabis within Six Nations, in a manner specifically needed by its membership.

### **PART V**

#### **6. INTERPRETATION**

- 6.1 For the purposes of this Law and the regulations:

**“Accountable”** means having a duty to provide complete and accurate information, provided the information is not subject to privilege or confidentiality;

**“Approved Agent”** means a person or persons approved by the Commission to carry out any of the functions set forth in this Law or the regulations, on behalf of the Commission;

**“Arm’s length”** means buyers and sellers, companies, decision making bodies, etc. operate independently from one another, are not related and have no relationship to one another;

**“cannabis”** means a plant that belongs to the genus *Cannabis* and includes:

(a) any part of a cannabis plant, including the phyto-cannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to below;

(b) any substance or mixture of substances that contains or has on it any part of such a plant; and

(c) any substance that is identical to any phyto-cannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

but does not include:

(d) a non-viable seed of a cannabis plant;

(e) a mature stalk, without any lead, flower, seed or branch, of such a plant;

(f) fibre derived from a stalk referred to above; and

(g) the root or any part of the root of such a plant.

**“Commission”** means the Six Nations Cannabis Control Commission

**“consumer”** means an individual that purchases cannabis for personal use;

**“corporation”** for the purposes of this law means only those corporations that are 51% owned by Six Nations members or by the Elected Council of the Six Nations of the Grand River

**“Council”** means the Elected Council of the Six Nations of the Grand River

**“dispensary”** means a commercial facility located within the Territory that is operated by the holder of a Dispensary Permit

**“distribute”** or **“distribution”**, in respect of cannabis, means giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and includes offering to distribute;

**“distributor”** means the holder of a valid Distribution Permit;

**“family member”** means a spouse, parent, child, or sibling;

**“illicit cannabis”** means any cannabis obtained in any manner not contained within this law or within the legal requirements of neighbouring jurisdictions.

**“individual”** means a single human being;

**“Six Nations of the Grand River Territory” or Territory** means:

(a) the lands presently under the control and jurisdiction of the people of Six Nations of the Grand River including the lands referred to by the government of Canada as “Six Nations of the Grand River Reserve No. 40 or 40 b

(b) any and all lands that may be given reserve status by any means in the future;

(c) the water and waterways under the control and jurisdiction of the people of Six Nations of the Grand River

**“permit”** means a permit issued by the Six Nations of the Grand River Cannabis Control Commission

**“permit holder”** means a person who has been issued a permit by the Six Nations of the Grand River Cannabis Control Commission

**“person”** includes an individual, corporation, partnership, limited liability company and any other business entity recognized under the laws applicable within the Territory;

**“possess”** in respect of cannabis, means to have cannabis in a person’s personal possession or knowingly have cannabis in the actual possession or custody of another person, or has cannabis in any place, whether or not that place belongs to or is occupied by the person, for the use of the person or of another person; the *Criminal Code of Canada* also allows the deeming of possession where “one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.”

**“produce” or “production”**, in respect of cannabis, means to obtain it by any method or process, including by

(a) manufacturing;

(b) synthesis;

(c) altering its chemical or physical properties by any means; or

(d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained;

**“producer”** means the holder of a valid Production Permit;

**“public area”** means a place that is generally open and accessible to people. Roads, public squares, parks, parking lots, the shared areas of apartment buildings and condos are examples of these. Generally speaking, any space that is not a part of a private dwelling is considered to be a public area.

**“sell”** means to transfer ownership in exchange for money or something of value and includes offer for sale, expose for sale and have in possession for sale;

**“use”**, in respect of cannabis, means to smoke, vape, inhale, ingest, absorb or otherwise consume.

## **PART VI**

### **7. APPLICATION**

7.1 This Law applies to:

- (a) all activities related to the production, distribution, sale, possession and use of cannabis within, into and from Six Nations, and
- (b) all persons and business entities situated or found within Six Nations.

7.2 Permits issued pursuant to this law do not authorize the holder to violate any other Six Nation or federal laws. In the event of an inconsistency or vagueness in interpretation and application, Council will issue a statement clarifying the perceived or actual conflict and amend the laws as needed.

### **8. PERMIT GRANTING CONSIDERATIONS**

8.1 Individuals and/or corporations must submit a business plan illustrating how their proposal meets provincial or federal expectations. Preference will be given to proposals exceeding such expectations.

8.2 All business plans for grow operations will include a viable plan explaining how water will be obtained to water the crop and what types of fertilizers will be used.

8.3 Applicants must be members who are resident in Six Nations and are over the age of nineteen (19) years.

8.4 Applicants prepared to enter into a joint venture with an entity as determined by Six Nations Elected Council, will be preferred.

8.5 A non-refundable application filing fee of \$5000.00 is payable at the time of submission.

- 8.6 All permit holders must provide proof of insurance indemnifying the Elected Six Nations of the Grand River from any liability relating to the permit holder's business, theft, fire, etc.

## **9. PROHIBITION**

- 9.1 Unless authorized by this Law, the production, distribution, sale, possession and use of cannabis within and from Six Nations is prohibited. For greater certainty, a licence issued by a regulatory authority outside of the Territory for application on Six Nations lands has no validity within Six Nations.

## **10. COOPERATION**

- 10.1 The Six Nations Cannabis Control Commission will liaise regularly and cooperate with any appropriate agency within or outside the community in the application of this law.

## **11. HARMONIZATION**

- 11.1 This Law is not dependent on the approval of any other governmental body or agency but may serve as the basis for the harmonization of laws and regulations concerning cannabis in other jurisdictions and for co-operation and mutual assistance between the Six Nations Cannabis Control Commission, other First Nations and other regulatory and law enforcement agencies.

## **SECTION VII**

## **12. PERMITTED ACTIVITIES**

- 12.1 A person of Six Nations who has attained the full age of nineteen (19) is permitted to possess cannabis for his or her personal use, whether for medical or non-medical reasons, provided that:

(a) the cannabis has been acquired from a licenced dispensary or from a facility that is licensed by Health Canada or Six Nations; and

(b) the total amount possessed at any given time does not exceed the amount prescribed by law.

- 12.2 Individuals under the age of 19 can possess cannabis for medical reasons if prescribed by a physician or other medical professional.

- 12.3 Notwithstanding the foregoing, no person is permitted to smoke or vape cannabis in a public area, including a school zone, Longhouse, church or in any other building or area that is designated by the owner to be a "no smoking" or a "no vaping" zone.

- 12.4 No person is permitted to use, or be under the influence of, cannabis when operating a motor vehicle.

- 12.5 Using cannabis in public can result in:
- i) mandatory cannabis education for a first offence;
  - ii) a fine of up to \$1,000 for a second offence; and
  - iii) \$5,000 for each subsequent offence.
- 12.6 Cannabis will not be permitted in any child care facility, including child care provided in a private home, whether the children are present or not.

## **PART VIII**

### **13. SIX NATIONS OF THE GRAND RIVER CANNABIS CONTROL COMMISSION**

- 13.1 The Six Nations Elected Council will create a Cannabis Control Commission, to oversee the implementation of this law, within six months of the date of the coming into force of this law.
- 13.2 The Council will appoint individuals to sit as the Six Nations Cannabis Control Commission for the purpose of regulating, enforcing and administering this Law. For greater certainty, the Commission will not be a policy or law-making body and will be at arm's length from the Elected Council. See Appendix I for operations of Commission.

## **PART IX**

### **14. PERMITS**

- 14.1 The Commission may issue a limited number of permits in the following categories:
- (a) Production Permit;
  - (b) Distribution Permit;
  - (c) Dispensary Permit;
  - (d) Micro-cultivation Permit;
  - (e) Standard Cultivation Permit;
  - (f) Processing Permit;
  - (g) Sale Permit; and
  - (h) such other Permit category that the Council may create
- 14.2 A permit holder may hold a permit from more than one category.
- 14.3 Notwithstanding any other provision of this Law, a Production Permit will only be issued to an entity in which an entity recommended by Council, on behalf of the Community of Six Nations, has an ownership interest
- 14.4 A valid Production Permit will allow the permit holder to produce cannabis for the purpose of distribution by the holder of a Distribution Permit;

- 14.5 The holder of a Production Permit must not sell cannabis directly to a consumer, unless the consumer is also a holder of a Dispensary Permit;
- 14.6 A valid Distribution Permit will allow the permit holder to distribute cannabis for the purpose of sale by the holder of a Dispensary Permit
- 14.7 The holder of a Distribution Permit must obtain cannabis only from the holder of a Production Permit and must not sell cannabis directly to a consumer.
- 14.8 A valid Dispensary Permit will allow the permit holder to sell cannabis to a person who has attained the full age of nineteen (19) years from a dispensary located within Six Nations
- 14.9 A valid Micro-cultivation permit will allow the permit holder to conduct small-scale cultivation of cannabis plants and to produce cannabis seeds, cannabis plants, fresh cannabis and dried cannabis for the purposes of sale to the holder of a Production Permit or for export off Six Nations to a producer or retailer who holds a valid licence issued by a regulatory authority in the jurisdiction in which the product is being sold.
- 14.10 A Standard Cultivation permit allows the holder to sell wholesale to either a provincial distribution channel (fresh/live plants/seeds) or dried flower/oil to a company with a Processor Permit (Micro or Standard). If the Standard Cultivator also wishes to sell online to Canadians for medical purposes, they must also have a Medical Sales Permit which can be stacked onto the Standard Cultivation Permit. However, the Standard Cultivator cannot manufacture cannabis oil or edibles, which requires (or will require) a Processor Permit in addition.
- 14.11 A Processing Permit is required for any facility that is processing more than 600 kg of dried flower (or its equivalent) per year, and has a higher requirement for physical security in comparison with the Micro Processor.
- 14.12 Sale Permits allow for the sale of cannabis and cannabis oil. No other products are yet permitted.
- 14.13 All permit holders must comply with the provisions of this Law and conditions to which the permit may be subject and all other laws, regulations and policies of the Six Nations of the Grand River Elected Council.
- 14.14 All permits will be for a fixed term and may be revoked, amended, suspended or extended, as the Commission in its sole discretion, deems appropriate in accordance with this law.
- 14.15 A permit is not valid unless and until any permit fees and Community Contributions prescribed by the Council have been paid in full.
- 14.16 Permit holders will, in recruiting, training and hiring employees, give preference to qualified Peoples of Six Nations in all job categories, particularly management positions.



14.17 The only persons eligible to apply for a permit are:

(a) an individual person who:

(i) is a member of Six Nations, has attained the full age of nineteen (19) years old

(ii) who has no criminal conviction for an indictable offence or has received a full pardon for any such conviction.

(b) an Elected Council-empowered entity, corporation or partnership that is wholly owned and operated by one or more individuals each of whom:

(i) is a member of Six Nations;

(ii) has attained the full age of nineteen (19) years old;

(iii) who has no criminal conviction for an indictable offence or has received a full pardon for any such conviction.

(c) an Elected Council-empowered entity, corporation or partnership in which the Council and one or more other business entities share a commercial interest.

14.18 Notwithstanding the foregoing section, if the Commission determines that it is appropriate from a regulatory perspective to do so, it may issue a Production Permit to an entity that is located outside of Six Nations, as long as the Commission is satisfied there is a benefit to the community of Six Nations for doing so.

14.19 No person is eligible to apply for or hold a Production Permit or Micro-cultivation Permit unless the production facility has been inspected, certified and licensed by the health and safety authorities designated by the Commission.

14.20 The Six Nations of the Grand River Council may at any time and in its sole discretion limit the number of permits that are issued in any category.

## **15. DISPENSARY PERMITS**

15.1 The Commission will not issue or continue a Dispensary Permit to a person who intends to sell cannabis from a dispensary that is located:

(a) where the location or proposed location of the dispensary is in a building or area that is easily accessible by persons under the full age of nineteen (19) years and such other buildings or areas as may be defined by the Commission; or

(b) where in the sole discretion of the Commission the proposed location of the dispensary is likely to disturb or endanger the community of Six Nations

15.2 The holder of a Dispensary Permit must not sell:

(a) cannabis to a person who has not attained the full age of nineteen (19) years;

- (b) cannabis to any person who is not a consumer;
- (c) to any person, an amount of cannabis that exceeds the amount prescribed by law; and
- (d) cannabis that is not obtained from the holder of a Production Licence or a Distribution Licence.

## **PART X**

### **16. COST OF PERMIT**

16.1 Costs of permits will be determined by the Cannabis Commission

- i) Production Permit: \$.....
- ii) Distribution Permit: \$.....
- iii) Dispensary Permit: \$.....
- iv) Micro-Cultivation Permit: \$.....
- v) Processing Permit: \$.....
- vi) Nursery Cultivation Permit: \$.....
- vii) Standard Cultivation Permit: \$.....
- vi) Sales permit: \$.....

16.2 Permit fees will be held in trust as a legal defence fund.

## **PART XI**

### **17. REQUIREMENTS TO BE FOLLOWED BY CULTIVATION PERMIT HOLDERS**

- 17.1 Permit holders for standard, micro and nursery cultivation must prevent unauthorized access to the grow site using walls or fences (physical barriers) along the perimeter of the site and must have secured entry points.
- 17.2 Visual monitoring is required of all standard cultivation permit holders with recordings kept for one year.
- 17.3 An alarm system or other intrusion detection system is required by all standard cultivation permit holders.

## **18. INDOOR AREAS ON SITE WHERE CANNABIS IS PRESENT EXCLUDING GROWING AREAS**

- 18.1 Permit holders for standard, micro or nursery cultivation, all processing permit holders, and medical and non-medical cannabis on site federal sales permit holders must have physical barriers restricting access to their site; authorized access being provided only to authorized staff performing job duties (e.g. key cards, keys).
- 18.2 Visual monitoring is required of all standard cultivation, standard processing, and cannabis on site federal sale permit holders with recordings kept for one year.
- 18.3 An alarm system or other intrusion detection system is required by all standard cultivation, standard processing, and cannabis on site federal sales permit holders.
- 18.4 The identity of every person entering or leaving the site must be recorded by those holding standard cultivation, standard processing, and cannabis on site federal sales permits.

## **19. SECURITY CLEARANCE**

- 19.1 Specified employees of a standard cultivation, all processing, and all sales permit holder must hold a valid security clearance.

## **20. GOOD PRODUCTION PRACTICES**

- 20.1 All cultivation and processing permit holders must maintain clean equipment.
- 20.2 Standard, micro and nursery cultivation and all processing permit holders are required to sanitize their indoor locations.
- 20.3 All processing permit holders are required to carry out analytical testing (microbial contamination, pesticides, heavy metals, THC, CBD). There are limited requirements for hemp.
- 20.4 All processing permit holders are required to hire a quality assurance person.

## **21. REPORTING AND RECORD KEEPING**

- 21.1 All permit holders must maintain records and report information that, for example, demonstrate compliance with good production practices and describes product recall activities and adverse effects.

## **22. CANNABIS TRACKING SYSTEM**

- 22.1 All permit holders regardless of type, are required to report information with respect to production levels, inventory amount and sales volume.

## **PART XII**

### **23. STANDARDS AND TESTING**

- 23.1 The Commission will establish standards and testing procedures to ensure that all cannabis produced, distributed and sold within Six Nations are consistently and reliably high-quality. For greater certainty, the Commission will ensure any recommendations made to the Council regarding this law will be consistent with the standards and testing procedures promulgated by Health Canada.
- 23.2 The Commission may engage Approved Agents, which may include representatives of Health Canada, to assist and advise the Commission in relation to:
- (a) the preparation of appropriate standards to be followed by production facilities;
  - (b) inspections and certifications of production facilities and equipment and materials used by production facilities;
  - (c) testing of cannabis produced by production facilities; and the storage and handling of cannabis
- 23.3 The Commission will develop its own testing and stamping facility

### **24. PACKAGING AND LABELING**

- 24.1 It is prohibited for a permit holder to sell cannabis in a package with a label:
- i. if there are reasonable grounds to believe that the package or label could be appealing to persons who have not attained the full age of nineteen (19) years old;
  - ii. that sets out a testimonial or endorsement, however displayed or communicated;
  - iii. that sets out a depiction of a person, character or animal, whether real or fictional;
  - iv. that associates the cannabis or one of its brand elements with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring;
  - v. that contains any information that is false, misleading or deceptive or that is likely to create an erroneous impression about the characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of the cannabis; or
  - vi. that otherwise does not conform to the requirements of comparable requirements promulgated by Health Canada.
- 24.2 The labeling of cannabis packages sold by a permit holder must include:

- (a) the tetrahydrocannabinol (THC) or cannabidiol (CBD) content;
- (b) a list of all ingredients, particularly if the cannabis products is edible, in the cannabis product;
- (c) a control or batch number to enable tracking of the production date and location of a cannabis product; and
- (d) such other information as may be provided in this law.
- (e) the stamp/seal of Six Nations of the Grand River.

## **25. COMMUNITY CONTRIBUTIONS**

All members of Six Nations of the Grand River are expected to give back to the community in whatever capacity they are able; in keeping with this tradition, community contributions will be an expectation of each permit holder.

- 25.1 Unless the Council determines that the permit is for the purpose of operating a socio-economic project, in addition to any permit fees, permit holders must remit to the Council a community contribution of 8% of gross cannabis sales at the end of each month.
- 25.2 No community contribution of gross sales will be payable by permit holders other than dispensary permit holders unless the permit holder makes sales off reserve. In this instance, the permit holder will be expected to make the same community contribution of 8% of gross cannabis sales at the end of each month payable to the Council.
- 25.3 Failure to pay the community contribution renders a permit null and void and sales must stop until all community contributions have been paid in full.
- 25.4 Council will use the community contributions collected under this Law to help fund community initiatives within Six Nations, for example, youth or elder projects, programs or initiatives, roads, parks and recreation, post-secondary education, swimming pool, bowling alley, etc. Council will hold the community contribution funds in trust until the community identifies priority areas for the funds to be utilized.

## **PART XIII**

### **26. IMPROVEMENT OF LAW**

- 26.1 The Commission will provide recommendations to the Council regarding the content of this law:
  - i) within 60 days of the creation of the Commission and appointment of all Commissioners and within 60 days of any amendments to this law,

- ii) within 30 days of any written request of Council,
- iii) as necessary in the opinion of the Commission in their experience in monitoring the application of this law, and
- iv) at least once every calendar year.

26.2 The Commission will provide comment and recommendation to the Council on the following:

- (a) the creation of new categories for permits that may be issued under this law, which will include but not be limited to: permitted activities, prohibitions and application requirement and procedures;
- (b) the forms to be used and processes to be followed to apply for a permit;
- (c) background and security investigations and credential certifications of owners, directors and key persons associated with applicants and licence holders;
- (d) background and security investigations and credential verifications of personnel, staff and companies contracted to conduct business with or on behalf of a permit holder;
- (e) the amount of application, annual and other fees to be charged for permits;
- (f) in consultation with Council, the amount and frequency of Community Contribution payments;
- (g) the days and hours during which a dispensary may operate;
- (h) the type of cannabis products that a dispensary may sell;
- (i) the requirements to which the holder of a Micro-cultivation permit will be subject, including but not limited to: quality assurance standards, plant count, size of growing area, total production and gross revenue;
- (j) limiting the total number of permits that will be issued;
- (k) the composition, strength, concentration, potency, purity or quality or any other property of cannabis or any class or type of cannabis;
- (l) standards and testing procedures to ensure that all cannabis produced, distributed and sold within the Territory are consistently and reliably high-quality;
- (m) eligibility requirements to apply for or hold a Production Permit for the purpose of ensuring, among other things, that the production facility has been inspected, certified and licensed by the appropriate health and safety authorities;
- (n) any breaches of permit conditions brought to the attention of the Commission will be addressed in accordance with Appendix I. Sanctions can include suspending or revoking the

permit and the imposition of fines up to \$250,000.00 for individuals and up to \$1 million for corporations.

(n.1) The Commission will provide their decision to Council for final determination

(n.2) Revoked permits will not be reinstated until the permit holder is in good standing.

(o) the maintenance of public order, security and the safety of persons working in, and for customers of, dispensaries;

(p) processes and systems that producers, distributors and dispensaries must use to ensure that:

(i) cannabis is safely handled and stored;

(ii) cannabis is not sold to anyone who has not attained the full age of nineteen (19) years;

(iii) no person can purchase an amount of cannabis that exceeds the amount prescribed by the Commission for recreational use of cannabis

(iv) the Commission can accurately track all cannabis sold by a producer, distributor and dispensary and the price at which the cannabis is sold;

(v) dispensaries distinguish between sales to First Nation and non-First Nation consumers;

(vi) the Commission can accurately verify that all community contributions and all point of sale royalties have been charged, collected and remitted as required by this Law;

(q) the maximum and minimum prices that for which any cannabis product can be sold by a producer, distributor and dispensary;

(r) the percentage that will be used to calculate the point of sale royalty required for dispensary sales to non-First Nation consumers;

(s) the definition of “public area” for the purposes of this Law;

(t) the definition of “buildings” or “areas”

(u) advertising and marketing that permit holders may or may not conduct

(v) packaging and labeling requirements

(w) any other recommendation necessarily required to achieve the purposes of this Law.

## **PART XIV**

### **27. LEGAL DEFENCE**

- 27.1 The Six Nations Elected Council may assist in the defence of any permit holder who has been granted a permit under this law and is operating in compliance with this law, if they have been charged by either the provincial or federal governments.SN

## **PART XV**

### **28. REVIEW**

- 28.1 Recommendations made by the Commission are not binding on Council; decisions made by the Elected Council of the Six Nations of the Grand River may be reviewed by a court of competent jurisdiction until such time as an adjudicative body is functioning in the community of Six Nations of the Grand River.

### **29. ENFORCEMENT**

- 29.1 Administrative breaches of this law are within the purview of the Commission and the Commission will decide which sanctions apply which may include, but are not limited to, the imposition of a fine and the suspension, amendment or revocation of a permit, and send their recommendation to the Elected Council of the Six Nations of the Grand River.
- 29.2 Criminal breaches of this law will be investigated by the Six Nation Police Service; for example, the use, possession, sale, etc. of illicit cannabis.
- 29.3 All fines, penalties, etc. collected through the breach of this law are payable to Six Nations of the Grand River Council.

### **30. SEVERABILITY**

- 30.1 If any part of this Law is found invalid by a court of competent jurisdiction, that portion only, may be severed from this law and will not invalidate this Law in its entirety.
- 30.2 The remaining portions of this law, after any provision is struck by a court of competent jurisdiction, will be interpreted in a manner that upholds the spirit and intent of this law.

### **31. AMENDMENT**

- 31.1 Any significant changes to this law will be made after obtaining feedback from the community of Six Nations of the Grand River.



**32. COMING INTO FORCE**

32.1 This law comes into force the day it is published on the Six Nations of the Grand River Elected Council website.

This law is passed at a duly convened meeting of Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
Quorum \_\_\_\_\_

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Member of Council

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**APPENDIX I  
CANNABIS CONTROL COMMISSION  
TERMS OF REFERENCE  
OPERATIONS**

**CANNABIS CONTROL COMMISSION  
TERMS OF REFERENCE  
OPERATIONS**

**1. GENERAL MANDATE**

- 1.1 The Commission will administer this Law in the best interests of the people of Six Nations and in accordance with the highest principles of health, safety, security, honesty and integrity.
- 1.2 The Commission will monitor the impacts of this Law on the health and safety of the people of Six Nations.
- 1.3 The Commission will make recommendations to Council for amendments to this Law, that the Commission finds appropriate, in order to minimize the harms of cannabis use within the Territory.

**2. DUTIES AND RESPONSIBILITIES**

In addition to any other duties and responsibilities that may be provided to it in this law, the Commission will:

- a. issue, suspend and revoke the permits provided in this Law;
- b. regulate, monitor and inspect all the premises and activities of permit holders;
- c. Make any decision and take any action as is necessary to fulfill the purposes of this Law.

**3. STRUCTURE OF THE COMMISSION**

- 3.1 The Commission will be accountable to the Elected Council of Six Nations of the Grand River but will function at arm's length from the Council.
  - 3.1.1 The Commission will be composed of five (5) members selected and appointed by the Council and an ex-officio member from SNEC and Confederacy (ex-officio members have no vote and do not contribute to quorum).
  - 3.1.2 The Elected Council of the Six Nations of the Grand River will ensure that the Commission be representative of the Six Nations of the Grand River community e.g. a particular number of members required from each community making up the membership of the Elected Council of the Six Nations of the Grand River.
- 3.2 To be eligible to be appointed to the Commission, a person must:
  - i) be a member of Six Nations;

- ii) have attained the full age of nineteen (19) years old; and
- iii) be a resident within the Territory;
- iv) not have an interest in a private cannabis entity that has applied for or has been granted a permit;
- v) not have an immediate family member that has an interest in a private entity that has applied for or has been granted a permit; and

vi) have no criminal conviction for an indictable offence or have received a full pardon for any such conviction and provide a clear international police check (INTERPOL).

3.4 Subject to early termination in accordance with this Law, a Commission member's term of office will be not less than two (2) years and not more than (3) years. Wherever possible, Council will stagger Commission member's appointments to ensure continuity and consistency.

3.5 Upon expiry of a Commission member's term of office, subject to the other provisions of this Law, the member is eligible to be re-appointed for another term of office. A Commission member may serve a maximum of two (2) consecutive terms.

3.6 Council ensure that persons to be appointed as Commission members are mature, responsible and, wherever possible, have experience with regulatory matters or participating on boards or commissions.

3.7 The Six Nations Elected Council will ensure that the Commission has the staff to support their activities by providing the professional assistance the Commission requires to fulfill its mandate.

3.8 Commission members and staff will undertake all necessary training to enable them to fulfill their respective mandates more effectively and efficiently.

3.9 The Commission will, by majority vote, appoint one of its members as a Chairperson. The Chairperson will preside over meetings of the Commission and will ensure the Commission follows the principles and procedures provided in this Law

3.10 Council may, for reasonable cause, remove a Commission member from office prior to the expiry of his or her term of office.

3.11 A Commission member may resign from office prior to the expiry of his or her term of office by giving written notice to the Commission and to the Council at least sixty (60) days prior to the date on which the resignation is to be effective.

3.12 In the event a Commission member is removed, resigns or is unable to continue performing his or her duties for any reason, Council will appoint a new Commission

member within thirty (30) days or such other period of time that is necessary to ensure the Commission always has three (3) appointed members;

- 3.13 Council will provide the Commission an annual budget, the amount of which will be adequate to ensure the Commission can satisfy its duties and responsibilities under this Law.
- 3.14 Permit fees and other amounts collected by the Commission will be submitted to Council for the purposes of a community initiatives fund and the Six Nations Cannabis legal defence fund.
- 3.15 Members of the Commission may be remunerated for the time required to provide the services associated with their offices, as determined by Council.
- 3.16 The Commission will obtain, implement and maintain such software, systems, networks and databases as the Commission may require to fulfill its mandate.

#### **4. COMMISSION MEETINGS**

- 4.1 For the purpose of conducting a meeting and making decisions a quorum of not less than three (3) Commission members must be present. Ex-officio members do not contribute towards quorum.
- 4.2 Decisions of the Commission will be made by vote of at least three (3) Commission members.
- 4.3 The Commission will meet at the call of the Chairperson or a majority of its members but in any event, will meet at least once every thirty (30) days.
- 4.4. Whenever possible, Commission members will participate in Commission meetings in person. However, with the permission of the other Commission members, a Commission member may participate in a meeting via telephone or other electronic means.
- 4.5 Notice of a Commission meeting, with particulars of the agenda, will be provided to all Commission members, not less than five (5) days prior to the date of the meeting. The Commission may in its sole discretion waive this requirement of any particular meeting.
- 4.6 Commission meetings or portions of Commission meetings may, at the sole discretion of the Chairperson, be open to the public or may be conducted *in camera*.
- 4.7 The Commission will on a continuing basis:
  - i) monitor the impacts of this Law on the health and safety of the members of Six Nations;
  - ii) make recommendations to Council for amendments to the Law that the Commission finds appropriate, to minimize the harms of cannabis use within the Territory.

- 4.8 Council will provide the Commission with such funding and resources as is required for the Commission to fulfill its mandate.
- 4.9 Provide quarterly reports to Council on matters as directed by Council and/or Commission policy.
- 4.10 This law will be reviewed annually by Council.

**APPENDIX II**  
**PERMIT APPLICATION FORM**